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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO. 169 OF 2006

APPLICANT
NON-APPELLANT

The Oriental Insurance Com. Ltd.,
Through : Branch office, Main Road,
Jagdalpur, District – Bastar (C.G.)

VERSUS

RESPONDENTS

1. Smt. Subhadra Bai, W/o. Shri Shyam Singh, Aged about 45 years, R/o. Village-Kuwenar, Caste-Gond, Tehsil-Bijapur, District-Dantewada (CG)
2. Shyam Singh Korram, S/o. Gopal Singh Korram, Occupation –Head Constable, Police Station – Dantewada, District – Dantewada (CG)
3. Ramaiya, S/o. Bojja, Aged about 27 years, R/o. Village- Dugoli, Post Bijapur, District – Dantewada (C.G.)
4. Shailendra Singh Bhadoria, S/o. R.S. Bhadoria, R/o. Village – Nemada, Tehsil – Bijapur, District – Dantewada (C.G.)

Present: Shri N.K. Malviya, learned counsel for the appellant.

ORAL ORDER
(Passed on 21st February, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ :

The only ground urged by the learned counsel for the appellant-Insurance Company is that the deceased was traveling in the vehicle as a gratuitous passenger and, therefore, the liability to pay compensation could not have been fastened on the Insurance Company. This specific plea is considered by the MACT in paragraphs 17 and 18 of the award. The Tribunal, as a matter of fact, found that the deceased was accompanying the

goods as a coolie engaged by the owner of the goods. We have perused the findings recorded by the MACT. The factual findings recorded by the MACT could not be condemned for perversity. No ground is made out to entertain the appeal. The appeal is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Subba